

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

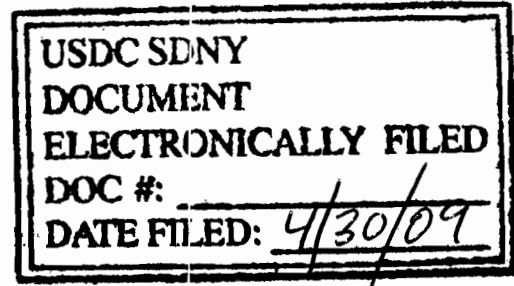
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JOANNA DANUTA MARUSZAK,

Plaintiff,

-against-

DARIUSZ ROBERT MARUSZAK,

Defendant.
-----X



08 Civ. 3978 (GEL)

ORDER

GERARD E. LYNCH, District Judge:

A review of court records indicates that the amended complaint in this action was filed on April 28, 2008, and that no proof of service of the summons and complaint has been filed. Plaintiff previously moved for, and the Court granted, an extension of time to serve until December 24, 2008. No proof of service was filed by that day. Accordingly, on January 5, 2009, the Court entered an order directing plaintiff to serve the summons and complaint on the defendant on or before January 20. The Court warned plaintiff that if service was not effected on or before January 20, 2009, and if plaintiff failed to show cause, in writing, why service had not been made, the complaint may be dismissed for failure to prosecute.

Plaintiff did not complete service by January 20, 2009. Instead, plaintiff sought an extension of time to effect service of process until April 23, 2009, which the Court granted. As of April 28, 2009, however, there is no record of the defendant being served with the summons and complaint, and plaintiff has not provided any reason for failing to effect service, or moved for a further extension of time.

Accordingly, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, it is hereby ordered that the case be dismissed without prejudice for failure to prosecute.

SO ORDERED.

Dated: New York, New York
April 28, 2009

A handwritten signature in black ink, appearing to read "Gerard E. Lynch".

GERARD E. LYNCH
United States District Judge